

350 Mount Kemble Avenue
P.O. Box 1917
Morristown, New Jersey 07962
phone: 973-267-0058
fax: 973-267-6442
www.cmg.law



Wall Street Plaza
88 Pine Street, 28th Floor
New York, New York 10005
phone: 212-483-0105
fax: 212-480-3899

Luciana P. Lalande, Esq.
Direct Dial: (973) 631-6022
llalande@cmg.law

January 17, 2023

VIA ECF

Hon. Paul A. Engelmayer, U.S.D.J.
United States District Court
Southern District of New York
401 Foley Square, Room 2201
New York, New York 10007

**Re: Harleysville Worcester Ins. Co., et al. v. Consigli & Associates, LLC
f/k/a T.G. Nickel & Associates, et al.
Docket No.: 1:21-cv-00934 (PAE)**

Dear Judge Engelmayer:

We represent Zurich American Insurance Company ("ZAIC"). Pursuant to LCR 37.2 and Your Honor's Individual Rules and Practices in Civil Cases, we write to request a pre-motion conference to discuss the filing of a motion to compel against Plaintiffs Harleysville Worcester Insurance Company and Harleysville Insurance Company (collectively, "Harleysville").

On August 24, 2022, we requested a meet-and-confer with Harleysville's counsel to discuss the deficiencies contained in its discovery responses and document production. *See* attached letter. On November 2, 2022, we conferred in good faith with Harleysville's counsel to resolve the discovery disputes raised. The meet-and-confer process did not resolve the discovery disputes as Harleysville has yet to provide the requested discovery, supplemental discovery responses or documents, or provide a written response to ZAIC's deficiency letter (as represented would be provided during the meet-and-confer). Most recently, Harleysville's counsel represented that the discovery would be provided last week, but again, it has not been produced.

Accordingly, ZAIC requests a pre-motion conference to discuss the filing of a motion to compel against Harleysville. We thank the Court for its continued attention to this matter.

cc: All counsel of record (Via ECF) Very truly yours,

COUGHLIN MIDLIGE & GARLAND, LLP

#2243282

/s/ Luciana P. Lalande
Luciana P. Lalande

Zurich American Insurance Company ("Zurich") is directed to file a letter explaining the basis of the motion to compel, governing legal standards, and supporting case law, in accordance with the Court's Individual Rules and Practices for discovery disputes, section 2.C. If the Harleysville plaintiffs wish to respond, they must do so within three business days of the filing of Zurich's letter. SO ORDERED.

A handwritten signature in black ink, appearing to read 'Paul A. Engelmayer', is written over a horizontal line.
PAUL A. ENGELMAYER
United States District Judge
January 18, 2023